

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

The Office Action rejected Claims 1-10 under 35 U.S.C. §103(a) as being unpatentable over the combination of Barrett et al. (U.S. 5,943,628) and McCarthy (US 5,373,548). The Office Action Examiner also objected to certain informalities in the Specification.

The Specification and Claims 1, 5, 7, 8, 9 and 10 have been amended. Claim 2 has been cancelled, without prejudice. It is respectfully submitted that no new subject matter has been presented by these amendments.

The Office Action admitted that that Barrett et al. fails to specifically disclose "the feature of a control section that determines the distance between the master communication system and the slave communication system, which is greater than a predetermined range" (first full paragraph on page 3 of the Office Action), and cited McCarthy as allegedly curing this defect.

Barrett et al. merely discloses an apparatus for addressing problems related to portable radiotelephones being misplaced, abandoned or stolen (Col. 1, lines 7-10). A belt clip assembly (20, see FIGs. 3-5) is disclosed that snap-fits onto a rear casing of a radiotelephone. The belt clip assembly (20) includes a belt clip proximity unit (46, see FIG. 6). A telephone proximity unit (16) having a detecting contact (82, see FIG. 3) is provided with the radiotelephone (see FIG. 6). The telephone proximity unit (16) acts as a master and the belt clip proximity unit (46) acts as a slave when the units are uncoupled, i.e. in an "away" position (Col. 4, lines 42-45).

A warning sound is generated by loudspeaker (57) of the belt clip proximity unit (46) when a "received signal strength is of a magnitude less than a first threshold because the belt clip assembly proximity unit 46 is too far away." (Col. 4, lines 57-60, step 126 of FIG. 7). The determination of whether the proximity units (16 and 46) are too far away is made by operation of transceivers (54 and 74) of the telephone proximity unit (16) and the belt clip proximity unit (46), which transmit and receive a master proximity signal (S2) and an acknowledgement proximity signal (S1) (FIGs. 6 and 7, Col. 4, lines 42, et seq.).

McCarthy, which was cited as allegedly curing the admitted defect of Barrett et al., merely discloses a cordless telephone unit comprising a fixed base (10) and portable handset (20), and a method for providing a user with some warning before hanging up the telephone line when the carrier level received by the base station (10) from the handset (20) falls below a predetermined threshold level, as necessary to avoid tying up the line for an indefinite time while the telephone unit was in a non-operational mode (Col. 1, lines 54).

It is respectfully submitted that Barrett et al., either alone or in combination with McCarthy or any of the other cited references, fails to disclose or suggest an apparatus for preventing loss of a portable telephone via a slave communication system of the wearable earphone that *includes a speaker and a microphone to facilitate hands-free communication*, as in amended Claims 1 and 10. Amended Claim 5, which is the other independent claim pending in this application, similarly specifies that the claimed control method for preventing the loss of a portable telephone operates *while a user of the portable telephone wears an earphone which*

includes a speaker and a microphone that facilitate wireless operation of the portable telephone in a hands-free mode.

Without conceding the patentability *per se* of dependent Claims 3, 4, 6, 7, 8 and 9, it is submitted that these dependent claims are allowable at least by virtue of their dependency upon independent Claims 1 and 5.

In regard to the informalities objection, the Examiner objected (Office Action, paragraph number 1 on page 2) to two uses of the word “then” in the Specification, and requested that the word “than” be used instead. The objected to paragraphs have been amended. It is believed that the amended paragraphs overcome the informalities objection.

Finally, an acknowledgement was made at the top of page 2 of the Office Action in regard to Applicant’s claim to “foreign priority based on an application filed in USA on 11-30-2000.” The Office Action noted that a certified copy of “the application” was not filed. It is respectfully submitted that this application claims priority to KPA No. 53953/1999, which was filed in Korea on November 30, 1999, rather than to an application filed “in USA on 11-30-2000.” Further, it is respectfully submitted that a certified copy of KPA No. 53953/1999 was properly filed with this application and received by the U.S. Patent and Trademark Office.

Attached hereto are copies of the *Transmittal of Priority Document, Cover Page of Priority Document* (2 pages) and the *Return Receipt Postcard* (1 page), which confirm that the certified copy of KPA No. 53953/1999 was filed with and received by the U.S. Patent and Trademark Office on November 30, 2000.

PATENT
Atty Docket: 678-533 (P9005)

Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner is requested to contact Applicant's attorney at the number given below.

Respectfully submitted,



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Attachments: *Transmittal of Priority Document,*
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and Return Receipt Postcard